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Attorney for Plaintiffs
Rui Liang
and Liao Da Nian

FILED
Clerk
District Court

SEP 02 1999

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT

FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

RUI LANG and LIAO DA NIAN,)	Civil Action No. 99-0046
)	
Plaintiffs,)	COMPLAINT FOR DECLARATORY,
)	INJUNCTIVE, AND FURTHER RELIEF;
v.)	EXHIBITS "1"-"5"
)	
UNITED STATES OF AMERICA,)	
COMMONWEALTH OF THE NORTHERN)	
MARIANA ISLANDS, and DOES)	
1-25,)	
)	
Defendants.)	

Plaintiffs RUI LIANG and LIAO DA NIAN, through counsel, allege the following:

1. Plaintiff RUI LIANG ("Rui") is a citizen of the Peoples' Republic of China ("PRC") who is presently within the Commonwealth of the Northern Mariana Islands.
2. Plaintiff LIAO DA NIAN ("Liao") is a PRC citizen who is presently within the Commonwealth of the Northern Mariana Islands.
3. Defendant UNITED STATES OF AMERICA ("U.S. Government") is a governmental entity.
4. Defendant COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS ("CNMI Government") is a governmental entity.
5. Defendants DOES 1-25 ("Does") are sued herein under

fictitious names for the reason that, despite diligent and good faith efforts to obtain information, Does' true names, identities, and capacities, are presently unknown to Plaintiffs, except that they include, but are not limited to persons and/or entities who have injured and/or harmed Plaintiffs, who have violated rights and protections guaranteed to Plaintiffs by effect of the Commonwealth Code, the Commonwealth Constitution, the Constitution of the United States of America, the 1951 Convention Relating To the Status Of Refugees ("Convention"), and the 1967 Protocol to the Convention, who have violated Federal and CNMI laws to Plaintiffs' detriment, who have otherwise harmed and damaged Plaintiffs or, in some manner presently unknown to Plaintiffs, were engaged or shall engage in those activities or other activities alleged in this civil action.

6. Does conducted the previously described activities, or intend to conduct such activities, in an intentional or in an inequitable, or in a negligent and/or otherwise wrongful manner, which activities were or shall be a legal cause of injuries or damages to Plaintiffs, and/or conducted some other activities in an intentional or in a negligent or dangerous manner which activities were or shall be a legal cause of injuries or damages to Plaintiffs, and/or were in some manner (or shall be) related to the named Defendant.

7. Plaintiffs and/or their representatives have made diligent and good faith efforts to ascertain the full names and identities, and the extents and natures of interests, of Additional Defendants, in the events upon which Plaintiffs' claims are

premised.

8. Plaintiffs remain unable, at this time, to identify with particularity Does (and/or their nationalities and/or their titles and/or their relationship to Defendants as employees or independent contractors or officers or directors or shareholders) against whom Plaintiffs have additional prospective claims, and seek leave to amend this complaint, in order to more specifically name and identify Does. if and when the identities of those defendants is more fully and accurately determined.

JURISDICTION

9. Plaintiffs repeat and reallege, and incorporate herein by reference, each and every allegation contained in the preceding paragraphs.

10. This court has personal jurisdiction over Rui.

11. This court has personal jurisdiction over Liao.

12. This court has personal jurisdiction over the U.S. Government.

13. This court has personal jurisdiction over the CNMI Government.

14. This court has personal jurisdiction over Does.

15. This court has original subject matter jurisdiction over this civil action, pursuant to 28 U.S.C. §1331, in that Plaintiff's claims involve:

(i) the construction or interpretation of treaties and/or international agreements, and/or customary international law,

and/or international protocols (including the 1967 Protocol to the Convention) to which the U.S. Government has acceded, and to which the CNMI Government is thereby bound and obligated; and/or,

(ii) conduct made unlawful by effect of 42 U.S.C. §1983.

16. This court, pursuant to 28 U.S.C. §1367(a), has supplemental jurisdiction over all other claims alleged by Plaintiffs in this civil action, which claims form part of the same controversy.

17. The factual and jurisdictional grounds upon which Plaintiffs' claims are premised entitle Plaintiffs to equitable as well as legal relief.

18. Venue of the claims at issue in this proceeding lies with this court in accordance with 28 U.S.C. §1391 and other legal and equitable principles.

BACKGROUND ALLEGATIONS COMMON TO ALL CLAIMS

19. Plaintiffs repeat and reallege, and incorporate herein by reference, each and every allegation contained in the preceding paragraphs.

20. Rui was inflicted with a gunshot wound caused by PRC Government security forces while Rui participated in a Pro-democracy demonstration several years ago, in Beijing, at Tiananmen Square. Rui is also a practicing Christian with lengthy ties to Christian church organizations on Guam and within the CNMI. Additionally, Rui is married to U.S. citizen now residing in the CNMI.

21. Rui's former friend, named Liang Fei ("Fei"), associated with Rui in PRC at the time Rui was shot. Fei later travelled to Guam, where he obtained a U.S. "green card". Fei later planned a temporary visit to PRC. After arriving there, however, Fei was, upon information and belief, forced to relinquish possession of his "green card" to PRC officials, and precluded by PRC officials from leaving PRC. Fei, upon information and belief, was either imprisoned or killed by PRC officials as retribution for the role Fei played, together with Rui, in PRC-situated pro-democracy demonstrations..

22. PRC officials have, upon information and belief, refused to provide to Rui a PRC passport because PRC officials want Rui deported to the PRC where, upon arrival, Rui expects that he will be killed, imprisoned, tortured, or otherwise persecuted by PRC officials, as the result of his pro-democracy political activities, Christian religious activities, and willingness to fight against deportation to PRC by way of filing this lawsuit.

23. Rui is presently incarcerated at the CNMI Government's Immigration Detention Center where, as a consequence of internal injuries, he must receive frequent medical attention.

24. CNMI Government officials are currently attempting, through the CNMI Superior Court, to deport Rui to the PRC.

25. Liao has resided in the CNMI for many years. To finance his departure from the PRC and his travel to the CNMI, Liao borrowed funds (totalling more than U.S. \$10,000.00) from persons who, upon information and belief, are affiliated with or connected

to politically powerful PRC Government officials. Liao also has more than one child presently within the PRC.

26. Liao has friends who, like Liao, departed the PRC by borrowing funds from persons who, upon information and belief, are affiliated with or connected to or work in tandem with politically powerful PRC Government officials.

27. Persons like Liao, who have departed the PRC by borrowing funds from persons reputedly affiliated with or connected to or working in tandem with politically powerful PRC Government officials, must either repay those funds with exorbitant interest or, upon information and belief, will face the prospect of being personally threatened/harmed or having PRC-situated family members threatened/harmed, by PRC Government officials or persons acting in concert with or under the protection of or in tandem with PRC Government officials. Liao, however, is financially unable to currently repay his U.S. \$10,000.00-plus monetary obligation to persons acting in concert with or under the protection of or in tandem with PRC Government officials.

28. Persons like Liao, who have more than one child residing with the PRC, upon information and belief, are likely to be harassed, persecuted, sterilized, and/or otherwise harmed within the PRC, by PRC Government officials or persons acting in concert with or under the protection of or in tandem with PRC Government officials.

29. Liao, who voluntarily participated in the CNMI Government's recent "amnesty" immigration program, currently

remains incarcerated at the CNMI Government's Immigration Detention Center.

30. CNMI Government officials are currently attempting, through the CNMI Superior Court, to deport Liao to the PRC.

31. In the event that Rui is deported or otherwise forced to return to the PRC, he will, upon information and belief, face additional persecution by PRC Government officials as a consequence of having filed this civil action and otherwise exercising those protections guaranteed to him pursuant to the U.S. Constitution, the CNMI Constitution, and related laws, rights, and treaties.

32. In the event that Liao is deported or otherwise forced to return to the PRC, he will, upon information and belief, face additional persecution by PRC Government officials as a consequence of having filed this civil action and otherwise exercising those protections guaranteed to him pursuant to the U.S. Constitution, the CNMI Constitution, and related laws, rights, and treaties.

33. The U.S. Government is empowered with authority over all U.S. treaties, international human rights obligations, and matters falling with the scope of the Immigration and Naturalization Act ("INA").

34. The U.S. Government was required to served as fiduciary to the CNMI, prior to enactment of the Covenant, in accordance with that entity known as the Trust Territory of the Pacific Islands ("TT").

35. Throughout the TT's existence, the U.S. Government's fiduciary duties obligated the U.S. Government to regulate human

rights and immigration matters within the CNMI, including but not limited to issues relating to asylum/refugee requests by persons from PRC and elsewhere.

36. Following enactment of the Covenant, the U.S. Government retained control of various matters, including the application of the INA within the CNMI, under various circumstances.

37. The INA is applicable today within the CNMI under various circumstances.

38. Following enactment of the Covenant, the U.S. Government retained control, and today maintains control, over various matters, including:

- (i) the application of international human rights obligations within the CNMI;
- (ii) the processing of asylum/refugee applications; and,
- (iii) the resolution of issues relating to asylum/refugee requests by persons from PRC and elsewhere.

39. The U.S. Government has acceded to the 1967 Protocol to the Convention.

40. The U.S. Government's accession to the 1967 Protocol binds and obligates the CNMI Government to both the 1967 Protocol and to the Convention.

41. The CNMI Government has enacted no meaningful policies or procedures by which the CNMI Government adequately ensures that the CNMI Government upholds its obligations to persons seeking asylum/refugee status under either U.S. law or under the 1967 Protocol and the Convention.

COUNT 1

CONSTITUTIONAL/RELATED DEPRIVATIONS

42. Plaintiffs repeat and reallege, and incorporate by reference, each and every allegation contained in the preceding paragraphs.

43. The U.S. Government's Immigration and Naturalization Service ("INS") regularly publishes and distributes a document known as Form I-590, a true and correct copy of which is appended to this complaint and designated Exhibit "1-A".

44. Rui has completed a Form I-590. See, Exhibit "1-B".

45. Liao has completed a Form I-590. See, Exhibit "1-C".

46. The I-590 forms completed by Rui, Liao, and others, have been transmitted to INS offices situated at Saipan, Honolulu, and Bangkok, for processing by INS officials in accordance with INS asylum/refugee standards made applicable under U.S. law.

47. The I-590 forms completed by Rui, Liao, and others, have been transmitted to INS offices situated at Saipan, Honolulu, and Bangkok, for processing by INS officials in accordance with United Nations asylum/refugee standards made applicable under treaties and/or international agreements, and/or customary international law, and/or international protocols (including the Convention and the 1967 Protocol).

48. On August 10, 1999, Mr. Oscar Martinez, the INS official assigned to operate the only CNMI-situated INS office, provided notice to Plaintiffs and other similarly situated persons, that neither the CNMI-situated INS office manned by Mr. Martinez, nor

any other INS office, will accept for submission and processing any I-590 forms. See, Exhibits "2"-"3".

49. On August 12, 1999, information pertaining to the CNMI Government's policy respecting I-590 applicants, and the recent involvement of federal INS officials on the island of Tinian, was sought from both the CNMI Office of the Attorney General ("OAG") via letter to Acting Attorney General Maya Kara, and from the CNMI's Department of Labor and Immigration ("DOLI") via letter to DOLI Secretary Mark Zachares, pursuant to 1 CMC Division 5 (the "Open Government Act"). See, Exhibit "4".

50. On August 20, 1999, Ms. Kara responded to the Open Government Act request by providing none of the requested information. See, Exhibit "5".

51. To date, neither Mr. Zachares nor any other DOLI official has responded to the Open Government Act request.

52. Defendants' previously and subsequently described conduct constitutes a violation of INS asylum/refugee standards made applicable under U.S. law including but not limited to 42 U.S.C. §1983.

53. Defendants' previously and subsequently described conduct constitutes a violation of United Nations asylum/refugee standards made applicable under treaties and/or international agreements, and/or customary international law, and/or international protocols (including the Convention and the 1967 Protocol).

54. Defendants' previously and subsequently described conduct constitutes a violation rights guaranteed to Plaintiffs by effect

of the CNMI Constitution.

55. Defendants' previously and subsequently described conduct constitutes a violation of rights guaranteed to Plaintiffs by effect of the U.S Constitution.

56. Defendants' previously and subsequently described conduct constitutes a violation rights guaranteed to Plaintiffs by effect of U.S. laws.

57. Defendants are liable to each Plaintiff as a consequence of the previously-described conduct for which recovery will be sought in an amount which will be proven at trial.

COUNT 2

INJUNCTIVE RELIEF TO PRECLUDE ARTICLE 33 VIOLATION

58. Plaintiffs repeat and reallege, and incorporate herein by reference, each and every allegation contained in the preceding paragraphs.

59. The CNMI Government is currently attempting to deport Plaintiffs, and others similarly situated, by subjecting them to refoulment (return) to their countries of origin.

60. The CNMI Government's attempt to deport Plaintiffs, and others similarly situated, by subjecting those persons to refoulment to their countries of origin, constitutes a violation of Article 33 of the Convention.

61. Pursuant to the U.S. Government's accession to the 1967 Protocol and the Convention, and the binding effect of the 1967 Protocol on the CNMI Government, the U.S. Government is deemed

responsible for ensuring that persons seeking refugee/asylum within the CNMI, including Plaintiffs, are not subject to refoulment to their countries of origin in violation of Article 33 of the Convention.

62. The U.S. Government has, to date, shirked its responsibility to ensure that persons seeking refugee/asylum within the CNMI, including Plaintiffs, are not subject to refoulment to their countries of origin in violation of Article 33 of the Convention.

63. If this Court does not grant injunctive relief restraining and enjoining Defendants from subjecting Plaintiffs to refoulment, then Plaintiffs shall be forced to return to the PRC in violation of Article 33 of the Convention, and thereby suffer irreparable harm.

64. Plaintiffs therefore seek injunctive relief, in the form of a temporary restraining order and a preliminary injunction, to preserve the status quo pending the acceptance and processing of Plaintiff's Form I-590 by INS officials, and/or United Nations officials, and/or both INS and United Nations officials.

COUNT 3

FAILURE TO PRODUCE AND TO PERMIT
COPYING OF PUBLIC RECORDS REQUESTED AUGUST 12, 1999

65. Plaintiffs repeat and reallege, and incorporate by reference, each and every allegation contained in the preceding paragraphs.

66. The records described in Exhibit "4" constitute records

which the CNMI Government is required by law to keep or which are necessary for the CNMI Government to keep in discharge of duties imposed by law, and include written and printed reports, papers, maps, and/or plans; and, (ii) consist of documents and information which fell within the ambit of the August 9, 1999 Open Government Act request submitted on Plaintiffs' behalf, and the CNMI Government's response dated August 20, 1999.

67. The records/documents described in **Exhibit "4"** constitute 1 CMC §9902 (f) "public records".

68. The documents described in **Exhibit "4"** were required, by effect of 1 CMC §9917(a), to be made available for inspection and copying, within ten (10) days of the August 9, 1999 service of **Exhibit "4"**.

69. The failure by AGO and DOLI officials to make the records documents, described in **Exhibit "4"**, available on or before August 20, 1999, for inspection and for copying, constitutes a violation of the Open Government Act, for which the CNMI Government is liable to Plaintiffs.

COUNT 4

CONCEALMENT: CONCEALED KNOWLEDGE OR INFORMATION

70. Plaintiffs repeat and reallege, and incorporate herein by reference, each and every allegation contained in the preceding paragraphs.

71. For more than two years, Defendants intentionally and/or negligently concealed Defendants' knowledge or information

concerning the acceptance and processing of asylum/refugee applications by PRC citizens within the CNMI, including but not limited to the claims now being asserted by Plaintiffs, and the unconstitutional and unlawful deprivations to which Plaintiffs and others similarly situated have been subjected by Defendants.

72. Since Plaintiffs were unaware of the concealed knowledge or information, and had relied upon Defendants to comply with Defendants' obligations to provide that knowledge or information, Plaintiffs were misled.

73. Defendants' concealment was negligent and/or intentional.

74. Defendants' previously-described conduct has caused Plaintiffs to suffer, and to continue suffering, injuries and damages.

75. Defendants are liable to Plaintiffs as a consequence of the previously-described conduct for all of the previously-described injuries and damages, and for further damages, for which recovery will be sought in an amount which will be proven at trial.

76. In order to deter Defendants' previously-described wrongful, wanton, and wilful conduct, Plaintiffs further request that punitive damages be imposed against Defendants in an amount to be determined at trial.

COUNT 5

EMOTIONAL DISTRESS

77. Plaintiffs repeat and reallege, and incorporate herein by reference, each and every allegation contained in the preceding

paragraphs.

78. The above-described conduct caused Plaintiffs to suffer from emotional distress and trauma.

79. The above-described conduct constitutes the infliction by Defendants of emotional distress upon Plaintiffs.

80. The infliction by Defendants of the above-described emotional distress upon Plaintiffs was either intentional or negligent.

81. Defendants are liable to Plaintiffs, as a consequence of the previously described conduct, for the intentional and/or negligent infliction of emotional distress upon Plaintiffs by Defendants, and for further damages in an amount to be proven at trial.

COUNT 6

ESTOPPEL

82. Plaintiffs repeat and reallege, and incorporate herein by reference, each and every allegation contained in the preceding paragraphs.

83. By effect of the policy provisions and other representations, Defendants made promises, inducements, and/or public representations, to Plaintiffs and others, upon which Plaintiffs and others relied to Plaintiffs' detriment.

84. Defendants' previously described conduct has caused Plaintiffs to suffer the previously described damages.

85. Defendants, having made the previously described

promises, inducements, and/or public representations, and having caused Plaintiffs and others to detrimentally rely upon those promises, inducements, and/or representations, are prohibited and estopped from denying the substance and effect of Defendants' promises, inducements, and/or public representations.

COUNT 7

PUNITIVE DAMAGES

86. Plaintiffs repeat and reallege, and incorporate herein by reference, each and every allegation contained in the preceding paragraphs.

87. Defendants' above-described conduct was calculated, wilful, wanton, reckless, malicious, and/or engaged in by Defendants with conscious indifference to the consequences and to Plaintiffs' rights.

88. Defendants' above-described conduct has caused and will continue to cause Plaintiffs to suffer the previously described damages.

89. Defendants' above-described conduct, by and through Defendants, and Defendants' employees, agents, partners, joint venturers, designees, assignees, affiliates, associates, subagents, servants, employers, representatives, associates, officers, directors, administrators, contractors, sub-contractors, and/or related persons and/or entities designated Does, has been ratified, validated, endorsed, defended, supported, acquiesced to, and/or approved by Defendants or with other lawful authority on behalf of

Defendants and/or one another.

90. Plaintiffs are entitled to an award of punitive damages against Defendants to deter Defendants in the future from initiating, engaging, and/or perpetuating, against Plaintiffs and others (including but not limited to PRC citizens presently within the CNMI) such previously described conduct.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request issuance of the following:

1. A declaration confirming that:

a. the CNMI Government's attempt to deport Plaintiffs, and others similarly situated, by subjecting them to refoulment to their countries of origin, constitutes a violation of Article 33 of the Convention;

b. pursuant to the U.S. Government's accession to the 1967 Protocol and the Convention, and the binding effect of the 1967 Protocol on the CNMI Government, the U.S. Government is deemed responsible for ensuring that persons seeking refugee/asylum within the CNMI, including Plaintiffs, are not subject to refoulment to their countries of origin in violation of Article 33 of the Convention; and,

c. the U.S. Government has, to date, taken no adequate steps to ensure that persons seeking refugee/asylum within the CNMI, including Plaintiffs, are not subject to refoulment to their countries of origin in violation of Article 33 of the

Convention.

2. Issuance of injunctive relief, in the form of a temporary restraining order and a preliminary injunction, which relief:

a. enjoins and restrains Defendants from subjecting Plaintiffs to refoulment, and from otherwise coercing or forcing Plaintiffs to return to the Peoples' Republic of China in violation of Article 33 of the Convention, and thereby suffer irreparable harm;

b. preserves the status quo pending the acceptance and processing of Plaintiff's Form I-590 by INS officials, and/or United Nations officials, and/or both INS and United Nations officials;

c. compels INS officials to accept and process Plaintiffs' Form I-590 applications; and,

d. compels INS officials to forward Plaintiffs' Form I-590 applications to United Nations officials for acceptance and processing.

3. A judgment, jointly and severally against all Defendants, for:

- a. General Damages;
- b. Punitive Damages;
- c. Prejudgment Interest;
- d. Postjudgment Interest;
- e. Attorneys' Fees and Costs; and,
- f. Such other and further legal and equitable relief as is deemed appropriate given the above-described

circumstances.

Dated: Saipan, MP, September 2, 1999.

Bruce L. Jorgensen
Bruce L. Jorgensen
Attorney for Plaintiffs
Rui Liang and Liao Da Nian

Type or print the following information. (Read instructions on reverse)

File No.:

1. Name: (First) (Middle) (Last)

2. Present address:

3. Date of birth: (month/day/year) Place of birth (city or town) (Province) (Country) Present nationality:

4. Country from which I fled or was displaced: On or about (month/day/year):

5. Reasons (State in detail):

6. My present immigration status in (country in which residing) is:

Evidence of my immigration status is:

(Describe)

7. Name of spouse:

8. Present address of spouse (if different):

9. Nationality of spouse:

10. My spouse ☐ will ☐ will not accompany me to the United States.

11. Name of child (ren) Date of birth Place of birth Present address (if different)

Place a mark (x) in front of name of each child who will accompany you to the United States.

12. Schooling or education

Name and location of school

Type

Dates attended

Title of degree or diploma

13. Military service

Country

Branch and organization

Dates

Serial No.

Rank attained

Form I-590 (Rev. 11-13-92)Y

EXHIBIT "I-A"

14. Political, professional or social organization of which I am now or have been a member or with which I am now or have been affiliated since my 16th birthday (If you have never been a member of any organization, state "None.")

15. I ☐ have ☐ have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date, place and nature of each charge and the final result.)

16. I ☐ have ☐ have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry (visitor, permanent resident, student, seaman, etc.).

File or Alien Registration Number: _____

17. I have the following close relatives in the United States:

Name	Relationship	Present address

18. I am being sponsored by (Name and address of United States sponsor):

Date: _____

Signature of registrant: _____

DO NOT WRITE BELOW THIS LINE

I, _____, do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this registration was signed by me with my full, true name:

(Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant at _____ on _____

(month/day/year)

(Signature and title of officer)

INTERVIEW

DATE

AT

Immigration Officer

APPROVED

DATE

Officer in Charge

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer in Charge of the nearest overseas office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

Registration - A separate Registration Form must be executed by each registrant and submitted in one copy. A Registration Form in behalf of a child under 14 years of age shall be executed by the parent or guardian.

Public reporting burden for this collection of information is estimated to average 35 minutes per response. If you have comments regarding the accuracy of this estimate or suggestions for simplifying this form, you can write to both the U.S. Department of Justice, Immigration and Naturalization Service Policy Directives and Instructions Branch (HQPDIB), Washington, D.C. 20535 and to the Office of Management and Budget, Paperwork Reduction Project: OMB No. 1115-0057, Washington, D.C. 20503.

Type or print the following information. (Read instructions on reverse)

File No.:

1.

COPY

(First)

RUI

(Middle)

LIANG

(Last)

2. Present address:

Department 95, PMB 10001, Saipan MP 96950

3. Date of birth: (month/day/year)

01/30/55

Place of birth (city or town)

Beijing

(Province)

(Country)

PRC

Present nationality:

PRC

4. Country from which fled or was displaced:

Peoples' Republic of China

On or about (month/day/year)

August 5, 1992

5. Reasons (State in detail):

Applicant was inflicted with a gunshot wound caused by PRC security forces while applicant participated in pro-democracy demonstrations in Beijing. To avoid subsequent persecution, applicant escaped PRC with assistance from other PRC citizens. Applicant is also a practicing Christian, with more than one child, and is married to a U.S. Citizen. Applicant's co-demonstrator is believed to have been jailed or killed upon returning to PRC. Applicant fears jail, torture, or death by PRC officials if applicant is deported to PRC.

6. My present immigration status in

Saipan, CNMI

is: Immigration Detention

(country in which residing)

Evidence of my immigration status is:

Not available: PRC officials refuse to issue passport hoping, instead for

(Describe)

applicant to be deported to PRC.

7. Name of spouse:

Herring, Liang Mui

8. Present address of spouse (if different)

Same

9. Nationality of spouse:

United States

10. My spouse ☒ will ☐ will not accompany me to the United States.

11. Name of child (ren)

Si Chen Liang

Date of birth

10/1/85

Place of birth

Beijing

Present address (if different)

Beijing

Place a mark (x) in front of name of each child who will accompany you to the United States.

12. Schooling or education

Name and location of school

Middle School

Type

Dates attended

through 6th grade

Title of degree or diploma

High School

1971

High School Graduate

13. Military service

N/A

Country

Branch and organization

Dates

Serial No.

Rank attained

Form I-590 (Rev. 11-13-92)Y

EXHIBIT "L-B"

14. Political, professional or social organizations of which I am now or have been a member or with which I am now or have been affiliated since my 18th birthday (If you have never been a member of any organization, state "None.")

Good Message Chinese (Christian) Mission, c/o Rev. Larry Hsieh,
P.O. Box 20099 GMF, Guam, Tel. (671) 477-8959

Korean Presbyterian Church, Chinatown, Saipan MP

15. I ☐ have ☒ have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date, place and nature of each charge and the final result.)

16. I ☒ have ☐ have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry (visitor, permanent resident, student, seaman, etc.).

I have been to Guam. There, I married my wife. My Social Security Number is 586-11-5646.

File or Alien Registration Number:

17. I have the following close relatives in the United States:

Name	Relationship	Present address
Herring, Liang Mui	Wife	Same as above

18. I am being sponsored by (Name and address of United States sponsor):

Liang Mui Herring (my wife). Attached are my marriage documents.

Date: 8/30/99

Signature of registrant:

Rui Liang

DO NOT WRITE BELOW THIS LINE

I, _____, do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this registration was signed by me with my full, true name:

(Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant at _____ on _____

(month/day/year)

(Signature and title of officer)

INTERVIEW

DATE

AT

Immigration Officer

APPROVED

DATE

Officer in Charge

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer in Charge of the nearest overseas office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

Registration - A separate Registration Form must be executed by each registrant and submitted in one copy. A Registration Form in behalf of a child under 14 years of age shall be executed by the parent or guardian.

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TYPE/PRINT
IN
PERMANENT
BLACK INK
FOR
INSTRUCTIONS
SEE
HANDBOOK

GOVERNMENT OF GUAM
U.S. STANDARD
LICENSE AND CERTIFICATE OF MARRIAGE

LICENSE NUMBER 15251

FILE NUMBER

GROOM



1. GROOM'S NAME (First, Middle, Last) RUI LIANG		2. AGE LAST BIRTHDAY 43	
3a. RESIDENCE—CITY, TOWN, OR LOCATION Radio Barrigada East 231, Barrigada		3b. SS No. 586-11-5646 China PP#0197830	
4a. STATE Guam	4b. BIRTHPLACE (State or Foreign Country) Beijing China	5. DATE OF BIRTH (Month, Day, Year) January 30, 1955	
6a. FATHER'S NAME (First, Middle, Last) Yui Liang	6b. BIRTHPLACE (State or Foreign Country) China	7a. MOTHER'S NAME (First, Middle, Maiden Surname) Qi Tan Men	7b. BIRTHPLACE (State or Foreign Country) China

BRIDE

8a. BRIDE'S NAME (First, Middle, Last) LIANG MUI HERRING		8b. MAIDEN SURNAME (if different)	
9a. RESIDENCE—CITY, TOWN, OR LOCATION Radio Barrigada East 231, Barrigada		9b. SS No. 586-05-4344 U.S. PP#120362156	
10a. STATE Guam	10b. BIRTHPLACE (State or Foreign Country) China	11. DATE OF BIRTH (Month, Day, Year) July 03, 1934	
12a. FATHER'S NAME (First, Middle, Last) Ch Liang	12b. BIRTHPLACE (State or Foreign Country) China	13a. MOTHER'S NAME (First, Middle, Maiden Surname) Ch Kim	13b. BIRTHPLACE (State or Foreign Country) China

SIGNATURES

WE HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT WE ARE FREE TO MARRY UNDER THE LAWS OF THIS TERRITORY.

14. GROOM'S SIGNATURE 	15. BRIDE'S SIGNATURE 
--	---

LICENSE TO MARRY


This License Authorizes the Marriage in this Territory of the Parties Named above By Any Person Duly Authorized to Perform a Marriage Ceremony Under the Laws of the Territory of Guam.

16. DATE—CITY, TOWN, OR LOCATION January 8, 1998	17. EXPIRATION DATE (Month, Day, Year) MAR 13 1998
--	--




ISSUING OFFICIAL

18. SIGNATURE OF ISSUING OFFICIAL 	19. TITLE OF ISSUING OFFICIAL License Officer
---	---

CEREMONY


20. I CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON: (Month, Day, Year) January 13, 1998	21. WHERE MARRIED—CITY, TOWN, OR LOCATION Agana	22. TYPE OF CEREMONY (State or Foreign Country) Civil
23a. SIGNATURE OF PERSON PERFORMING CEREMONY 	23b. NAME (Type/Print) Antonio R. Unpingco	23c. TITLE Speaker

LOCAL OFFICIAL

24. ADDRESS OF PERSON PERFORMING CEREMONY (Street and Number or Rural Route Number, City or Town, State, Zip Code) 156 Hesler Street Agana, Guam 96910	
24a. SIGNATURE OF WITNESS TO CEREMONY 	24b. SIGNATURE OF WITNESS TO CEREMONY 
25. SIGNATURE OF REGISTRAR 	26. DATE FILED BY LOCAL OFFICIAL (Month, Day, Year) JAN 15 1998

"OFFICIAL CERTIFICATION"

CERTIFIED to be true and correct copy of the original
record of MARRIAGE in the OFFICE of VITAL STATISTICS,
P.O. Box 2816, Agana, Guam 96932


CAROLYN R. GARRIDO
Territorial Registrar

EXHIBIT

SEAL
Date Issued: _____

JAN 15 1998

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES OFFICE OF VITAL STATISTICS

24th GUAM LEGISLATURE

CERTIFICATE OF MARRIAGE

In accordance with Section 3204 of Title 19 Guam Code Annotated and pursuant to Marriage License No. 24B-082 issued by the Government of Guam:

I, **ANTONIO R. UNPINGCO**, Speaker of the Twenty-Fourth Guam Legislature,

HEREBY CERTIFY that on January 13, 19 98, at Agaña,
Guam, have joined in marriage,

Rui Liang

and

Liang Mul Herring

in the presence of Calvin Lai

, residing at Harmon

and Patrick R. Wang

, residing at Tamuning


ANTONIO R. UNPINGCO
SPEAKER

EXHIBIT

"Z"

Type or print the following information. (Read instructions on reverse)

File No. _____

1. Name: (First) LIAO (Middle) DA (Last) NIAN

2. Present address:

c/o Bruce L. Jorgensen, Esq., P.O. Box 5682 CHRB, Saipan MP 96950

3. Date of birth: (month/day/year) N/A Place of birth: (city or town) (Province) (Country) PRC Present nationality: PRC

4. Country from which I fled or was displaced: Peoples' Republic of China On or about (month/day/year): December 1996

5. Reasons (State in detail):

If returned to Peoples' Republic of China ("PRC"), applicant faces the threat and fear, to himself and his family, of being threatened and harmed by PRC Government officials, or persons acting in concert with or under the protection of PRC Government officials, due to applicant's inability to meet financial obligations and applicant's family size (applicant has more than one child).

6. My present immigration status in Saipan, CNMI is: Immigration Detention (country in which residing)

Evidence of my immigration status is:

CNMI Superior Court, Civil Action No. 97-1093A Docket Records

(Describe)

Records relating to my over-stay as a CNMI non-resident employee

7. Name of spouse: Chen, Li Mei 8. Present address of spouse (if different): PRC 9. Nationality of spouse: PRC

10. My spouse ☐ will ☐ will not accompany me to the United States.

11. Name of child (year)	Date of birth	Place of birth	Present address (if different)
Liao, Quan Sheng	13 Yrs.	PRC	
Liao, Kang Sheng	11 Yrs.	PRC	

Place a mark (x) in front of name of each child who will accompany you to the United States.

12. Schooling or education

Name and location of school	Type	Dates attended	Title of degree or diploma
High School		Completed 1993	

13. Military service None

Country	Branch and organization	Dates	Serial No.	Rank attained

Form I-590 (Rev. 11-13-93)Y

EXHIBIT

"1-C"

14. Political, professional or social organization (which I am now or have been a member or with which I am now or have been affiliated since my 16th birthday (If you have never been a member of any organization, state "None.")

None

15. I ☒ have ☐ have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date, place and nature of such charge and the final result.) I have been charged with CNMI Immigration Law because I am afraid of being deported to PRC.
violation

16. I ☐ have ☒ have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry (visitor, permanent resident, student, seaman, etc.).

File or Alien Registration Number: _____

17. Have the following close relatives in the United States:

None

Name	Relationship	Present address

18. I am being sponsored by (Name and address of United States sponsor):

My friend is Xia Fu-Gang; telephone (670) 233-0691

Date: 8/19/99

Signature of registrant:

Liao Da nian

DO NOT WRITE BELOW THIS LINE

I, _____, do swear (affirm) that I know the contents of this registration submitted by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered () to () were made by me or at my request, and that this registration was signed by me with my full, true name:

(Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant on _____ at _____

(month/day/year)

(Signature and title of officer)

INTERVIEW

DATE

AT

Immigration Officer

APPROVED

DATE

Officer in Charge

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer in Charge of the nearest customs office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

Registration - A separate Registration Form must be executed by each registrant and submitted in one copy. A Registration Form for behalf of a child under 14 years of age shall be executed by the parent or guardian.

Public reporting burden for this collection of information is estimated to average 25 minutes per response. If you have comments regarding the accuracy of this estimate or suggestions for simplifying this form, you can write to both the U.S. Department of Justice, Immigration and Naturalization Service Policy Directives and Instructions Branch (HQPDH), Washington, D.C. 20535 and to the Office of Management and Budget, Paperwork Reduction Project: OMB No. 1115-0057, Washington, D.C. 20503.

Bruce Lee Jorgensen

Attorney At Law*
MSV II Building, 2d Floor
Garapan Village
Saipan, MP 96950
(670) 233-5261 (tel)
(670) 233-5260 (fax)

**Admitted in all Hawaii State And Federal Courts; Ninth Circuit Court of Appeals; District Court of the N. Mariana Islands; Republic Of Palau; High Court of the Trust Territory of the Pacific Islands*

August 9, 1999 (CNMI)/August 8, 1999 (U.S. Mainland)

Original via hand-delivery; copy via fax (670) 234-9159/233-7833

Oscar Martinez
U.S. Department of Justice
Immigration and Naturalization Office
Horiguchi Building, Third Floor
Garapan Village
Saipan, MP 96950

Re: U.S. Refugee Applicants/INS Form I-590 Processing

Dear Mr. Martinez:

During the past several weeks, several hundred Peoples' Republic of China ("PRC") citizens now residing in the Commonwealth of the Northern Mariana Islands ("CNMI"), have communicated to me their intent to seek refugee status under United States ("U.S.") laws and United Nations ("U.N.") human rights obligations made applicable within the U.S. and the CNMI.

Many of those CNMI-situated PRC citizens have now been provided INS Form I-590 refugee applications. They include a Christian priest, a former Beijing news reporter, many women with multiple children, and various political dissidents including Li Falun Gong movement and China Democracy Party members. For some, the I-590 applications will be completed this week.

Given the above-described circumstances, I am writing to request that you notify me whether I-590 applications submitted on behalf of PRC applicants will be accepted by your office, should be transmitted to another INS office for processing, or will be wholly rejected by INS officials.

In the event that the applicants are not accepted for processing by INS officials, copies will also be forwarded to U.N. officials for processing. Communications by and between P. Roy Catalani (a Hawaii-based immigration law specialist), U.N. attorneys, and me, are expected to continue this week. Please let me know whether you or other INS officials might be interested in participating in those discussions.

EXHIBIT "2"

Oscar Martinez
August 9, 1999 (CNMI)
Page Two

The U.N. refugee application processing time has reportedly been quite lengthy in past years. One consequence of that delay has been the perception that CNMI-based U.N. applicants could not be deported from the CNMI or travel to the U.S. while applications were pending, but were required to remain for years in the CNMI.

I would also appreciate any information you, INS officials, and others, are willing to provide with respect to the so-called "Tinian boat people". FOIA requests for production of that information are also in the process of being prepared.

One source represented to me that only 290 of the approximately 500 "boat people" were repatriated to the PRC from Tinian, and that the remainder were processed for refugee status by Federal officials, and then transported to the Mainland U.S.

Another source represented that CNMI Immigration/DPS personnel assigned to guard the "boat people" quarantine area were instructed by senior CNMI Immigration officials, to prevent anyone, and "especially lawyers", from entering the Tinian detention areas and conferring with the "boat people".

A third source claimed to have been advised, while providing services within a Tinian detention area, that Federal and CNMI officials there made clear their intent to keep quiet both the fact that many of the "boat people" detainees were being processed for refugee consideration with transit to the U.S., and the prospect that such an option might be available to all of the 12,000 or so PRC citizens now residing in the CNMI (even those here illegally).

Equally confusing is the position taken with respect to this situation by the Saipan Garment Manufacturers' Association ("SGMA") and/or recently attributed to SGMA Spokesperson Richard A. Pierce. During an August 7, 1999 youth basketball game, CNMI attorney James E. Hollman was approached by Pierce who, Hollman later explained: (i) scathingly criticized the efforts being made by Catalani, me, and others, to assist prospective PRC refugees; and, (ii) expressed the view that my efforts amounted to "a deathwish".

When I later telephoned Pierce to confirm the "deathwish" view, he would not confirm or deny having expressed that view, and said "Don't bother me". When personally asked about the "deathwish" view during a chance encounter today, Pierce glared at me, refused to respond, and stalked out of the restaurant.

I remain uncertain whether Pierce's "deathwish" view constitutes his personal opinion, an SGMA position, or an implicit threat against me. If a threat, perhaps your office might be inclined to have Federal Bureau of Investigation officials consult

Oscar Martinez
August 9, 1999 (CNMI)
Page Three

with Pierce. Or, if the "deathwish" view is an official SGMA position being relayed by Pierce, perhaps some question should be raised concerning SGMA's commitment to ensuring that its PRC employees are afforded full and equal human rights protection in the CNMI.

Pierce's view, in any event, certainly seems a departure from his previously-portrayed "businesses for social responsibility" attitude.

As for seeking assistance or protection from within the CNMI, it occurs to many that the present CNMI Immigration leadership apparently acts at the whim of SGMA officials: imposing the July 27, 1999 ban on all PRC immigration to the CNMI; lifting the ban, nine days later, to permit CNMI entry for only those PRC citizens hired by Pierce's SGMA affiliates; and, in the process, claiming to have a firm grasp of a problem repeated 12,000 times by CNMI Immigration leadership, i.e., the entry of 12,000 prospective PRC refugee applicants into the CNMI during the past few years.

PRC citizens working in the CNMI are, after all, entitled to the same human rights as the rest of us. And, interestingly, it has been the local community which has recognized and supported those rights, and our efforts to protect those rights: as opposed, that is, to the PRC employers, SGMA affiliates, and (reportedly) the current CNMI Immigration leadership, apparently incensed at the public mention or the prospect of those rights being exercised by PRC citizens in the CNMI.

Please contact me at your convenience if you have any questions or comments pertaining to any of the matters addressed in this letter, or any related matter.

Respectfully yours,


Bruce L. Jorgensen

P. Roy Catalani, Esq.
James E. Hollman, Esq.
Andrew Painter, Esq., UNHCR
Richard A. Pierce
Regina Germain, Esq., Senior Legal Counsel, UNHCR
Ron Whitney, Esq., INS General Counsel's Office

COPY

Bruce Lee Jorgensen

Attorney At Law*
MSV II Building, 2d Floor
Garapan Village
Saipan, MP 96950
(670) 233-5261 (tel)
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August 10, 1999 (CNMI)/August 9, 1999 (U.S. Mainland)

Original via hand-delivery; copy via fax (670) 234-9159/233-7833

Oscar Martinez
U.S. Department of Justice
Immigration and Naturalization Office
Horiguchi Building, Third Floor
Garapan Village
Saipan, MP 96950

Re: U.S. Refugee Applicants/INS Form I-590 Processing

Dear Mr. Martinez:

Thank you for advising me, during our telephone conversation this morning, that:

(i) your office will not accept any INS-distributed I-590 forms completed, for submission and processing, by any of the 12,000 or so CNMI-situated Peoples' Republic of China ("PRC") citizens;

(ii) no other INS office will accept any INS-distributed I-590 forms completed, for submission and processing, by any of the 12,000 or so CNMI-situated PRC citizens;

(iii) you will not disclose to me whether the PRC citizens recently detained on Tinian were interviewed by Federal officials relating to the PRC citizens' requests/applications for refugee/asylum status; and,

(iv) you will not disclose to me any information relating to any details involving the PRC citizens recently detained on Tinian, the Federal Government's involvement with those citizens' requests/applications for refugee/asylum status, or any other matter such as the number of those PRC citizens transported to the U.S. Mainland.

EXHIBIT "3"

Oscar Martinez
August 10, 1999 (CNMI)
Page Two

The information requested in sub-paragraphs (iii)-(iv) shall be requested by me via FOIA submission to the INS. Please advise me where within the INS, and to whom, the FOIA request must be submitted.

Thank you again for taking the time to briefly converse with me this morning.

Respectfully yours,

Bruce L. Jorgensen
Bruce L. Jorgensen

P. Roy Catalani, Esq.
Andrew Painter, Esq., UNHCR
Regina Germain, Esq., Senior Legal Counsel, UNHCR
Ron Whitney, Esq., INS General Counsel's Office
David Wood, Esq., U.S. Attorney, Saipan

COPY

Faxed
8/12/99
to both;
orig & copy
hand-delivered
8/12 to AG's office

Bruce Lee Jorgensen

Attorney At Law*
MSV II Building, 2d Floor
Garapan Village
Saipan, MP 96950
(670) 233-5261 (tel)
(670) 233-5260 (fax)

**Admitted in all Hawaii State And Federal Courts; Ninth Circuit Court of Appeals; District Court of the N. Mariana Islands; Republic Of Palau; High Court of the Trust Territory of the Pacific Islands*

RECEIVED
Office of the Attorney General

Civil Division

Date: AUG 12 1999

Time: 3:47

Recorded by: [Signature]

August 12, 1999 (CNMI)/August 11, 1999 (U.S. Mainland)

Copy via facsimile; original via hand-delivery

Maya Kara, Esq.
Acting Attorney General
Office of the Attorney General
Saipan, MP 96950

Mark Zachares, Esq.
Secretary
Dept. of Labor & Immigration
Saipan, MP 96950

Re: Open Government Act Request, 1 CMC Div. 9

Dear Ms. Kara and Mr. Zachares:

Based on recent communications with United Nations personnel, it is my understanding that the United States ("US") considers the Commonwealth of the Northern Mariana Islands ("CNMI") to be bound by the US accession to the 1967 Protocol to the 1951 Convention Relating to the Status of Refugees ("1951 Convention"). The US Government, therefore, bears the responsibility for ensuring that refugees seeking refugee/asylum status within the CNMI not be subject to refoulement to their countries of origin in violation of Article 33 of the 1951 Convention.

The US, through its CNMI-based INS employee Oscar Martinez, has recently taken the position that neither the CNMI-situated INS office, nor any other office, will accept for processing any INS-published I-590 forms completed by CNMI-situated Peoples' Republic of China ("PRC") citizens.

Given the situation described in the preceding paragraph, I am writing to request that the CNMI Office of the Attorney General ("OAG") and the CNMI Department of Labor and Immigration ("DOLI") make available to me for inspection within ten (10) days, and pursuant to 1 CMC §9917, the following public records:

(1) OAG's current policy, rules, and procedures for accepting and processing refugee applications, and the date(s) on which they were enacted;

(2) OAG's current policy, rules, and procedures for accepting and processing asylum applications, and the date(s) on which they were enacted;

EXHIBIT "4"

Maya Kara, Esq.
Mark Zachares, Esq.
August 12, 1999 (CNMI)
Page Two

(3) DOLI's current policy, rules, and procedures for accepting and processing refugee applications, and the date(s) on which they were enacted;

(4) DOLI's current policy, rules, and procedures for accepting and processing asylum applications, and the date(s) on which they were enacted;

(5) any current CNMI policy, rules, and procedures for accepting and processing refugee applications, not described in the preceding sub-paragraphs, and the date(s) on which they were enacted;

(6) any current CNMI policy, rules, and procedures for accepting and processing asylum applications, not described in the preceding sub-paragraphs, and the date(s) on which they were enacted;

(7) any current CNMI, DOLI, and OAG policy and procedures, for accepting and processing refugee applications, which have been modified within the past six (6) months, and the date(s) of modification;

(8) any current CNMI, DOLI, and OAG policy and procedures, for accepting and processing asylum applications, which have been modified within the past six (6) months, and the date(s) of modification;

(9) the name, address, and contact telephone number of each person employed by the US who participated within the past six (6) months in accepting and processing refugee applications on Tinian;

(10) the name, address, and contact telephone number of each person employed by the US who participated within the past six (6) months in accepting and processing refugee applications on Tinian;

(11) all written memoranda, facsimile transmissions, correspondence, and e-mail transmissions generated by and between DOLI, OAG, INS, US Department of Justice, and/or US Department of State officials, generated within the past three (3) months, which pertain to the accepting and processing of refugee applications on Tinian;

Maya Kara, Esq.
Mark Zachares, Esq.
August 12, 1999 (CNMI)
Page Three

(12) all written memoranda, facsimile transmissions, correspondence, and e-mail transmissions generated by and between DOLI, OAG, INS, US Department of Justice, and/or US Department of State officials, generated within the past three (3) months, which pertain to the accepting and processing of asylum applications on Tinian;

(13) all written memoranda, facsimile transmissions, correspondence, and e-mail transmissions generated by and between DOLI, OAG, INS, US Department of Justice, and/or US Department of State officials, generated within the past three (3) months, which pertain to the accepting and processing of refugee applications prepared within the CNMI;

(14) all written memoranda, facsimile transmissions, correspondence, and e-mail transmissions generated by and between DOLI, OAG, INS, US Department of Justice, and/or US Department of State officials, generated within the past three (3) months, which pertain to the accepting and processing of asylum applications prepared within the CNMI;

(15) all written memoranda, facsimile transmissions, correspondence, and e-mail transmissions generated by and between DOLI, OAG, INS, US Department of Justice, and/or US Department of State officials, generated within the past three (3) months, which pertain to the refugee application hearings within the CNMI;

(16) all written memoranda, facsimile transmissions, correspondence, and e-mail transmissions generated by and between DOLI, OAG, INS, US Department of Justice, and/or US Department of State officials, generated within the past three (3) months, which pertain to the asylum application hearings within the CNMI;

(17) all written memoranda, facsimile transmissions, correspondence, and e-mail transmissions generated by and between OAG, DOLI, and/or DPS relating to limiting persons not detained in the Tinian refugee detention center from meeting, communicating with, and/or conversing with, PRC citizens detained within the Tinian refugee center.

Maya Kara, Esq.
Mark Zachares, Esq.
August 12, 1999 (CNMI)
Page Four

In the event that OAG or DOLI intends to deny my requests to inspect any of the public records to which access has been requested in this letter, please specify and explain the grounds upon which the denial is premised, as required by 1 CMC §9918(d).

Thank you for your anticipated assistance.

Sincerely,

Bruce L. Jorgensen
Bruce L. Jorgensen

cc: P. Roy Catalani, Esq.,
Catalani & Nakanishi
1212 Davies Pacific Center
841 Bishop Street
Honolulu, HI 96813
Fax: (808) 536-3532

Mr. Oscar Martinez
U.S. Department of Justice
Immigration and Naturalization Service
Horiguchi Building, 3d Floor
Saipan, MP 96950
Fax: (670) 234-7833

Andrew Painter, Esq.
United Nations High Commissioner
For Refugees
Regional Office for the United States
of America & the Caribbean
1775 K Street NW
Suite 300
Washington, D.C. 20006
Fax: (202) 296-5660



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor-Administration Building Capitol Hill
Carrer Box 10007, Saipan, MP 96950

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2019

Attorney General/Civil Division
Tel: (670) 664-2341
Fax: (670) 664-2349

August 20, 1999

Criminal Division
Tel: (670) 664-2366/2367/2368
Fax: (670) 234-7016

BY FAX

Bruce L. Jorgensen, Esq.
Second Floor, MSV II Building
Garapan, Saipan, MP 96950

Re: Open Government Act Request

Dear Mr. Jorgensen:

I write in response to your August 12, 1999 Open Government Act ("OGA") request, listing 17 numbered paragraphs relating to various immigration-related information ("Request").

We note that the Request is very unclear. Accordingly, we will attempt to respond to the Request as written, to the extent we can discern the meaning of the Request. Furthermore, the Request appears to seek very sensitive and highly confidential intelligence and investigative information. Naturally, such information cannot be produced. Nonetheless, we attempt to respond to the Request as follows:

First, the Request is clearly objectionable on numerous substantive grounds, including, but not limited to, vagueness, ambiguity, burdensomeness and overbreadth.

Second, some or all of the requested information may not fit within the statutory definition of a "public record." See 1 CMC § 9902(f).

Third, to the extent the Request seeks publicly available information, we refer you to Title 3 Division 4 of the Commonwealth Code (as amended by P.L. 11-5, 11-6, 11-33, 11-51, 11-58 and 11-60), related rules and regulations published in the Commonwealth Register, Executive Order 94-3 and immigration case law. Such information is publicly available in the Commonwealth Law Library, the District Court Law Library and the Office of the Attorney General.

Fourth, to the extent the Request seeks information in connection with any pending criminal or civil cases, you should comply with the applicable rules of procedure.

EXHIBIT "5"

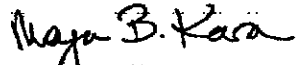
Bruce L. Jorgensen Esq.
August 20, 1999
Page 2

See Com. R. Crim. P. 16 and 17(c); Com. R. Civ. P. 26, 34 and 45; Fed. R. Crim. P. 16 and 17(c); Fed. R. Civ. P. 26, 34 and 45; 1 CMC § 9918(a)(8).

Fifth, the requested information appears to be exempt from disclosure pursuant to the CNMI Constitution, the OGA and other applicable law concerning (*inter alia*) privilege, confidentiality protections, individual privacy, internal agency deliberations, investigative secrecy and law enforcement methods and sources. See CNMI CONST. Art. 1 § 10 and 1 CMC §§ 9902(f), 9903, 9917(a) and 9918(a)(4), (5), (7), (8) and (13). This list is illustrative, not exhaustive.

In a good-faith effort to cooperate (without waiving the above objections), we wish to advise you that the Office of the Attorney General exercises little or no authority with respect to immigration matters. See Executive Order 94-3 § 301(c)(2) (June 24, 1994). Furthermore, we note that the United States exercises exclusive jurisdiction with respect to foreign affairs and defense. See COVENANT § 104. Accordingly, you may wish to direct appropriate inquiries to appropriate federal agencies. Thank you.

Sincerely,


Maya B. Kara
Acting Attorney General

cc: Governor
Secretary of Labor and Immigration
Public Information and Protocol Officer
Oscar Martinez (I.N.S.)